

II. REMARKS

Preliminary Remarks

Submission of Sequence Listing and amendment of the specification

Copies of a Sequence Listing in paper form and computer readable form for the above-identified application, and a statement pursuant to 37 C.F.R § 1.821(f), are submitted herewith.

Paragraphs on pages 6 and 18-19 are amended by inserting the corresponding SEQ ID NO after the disclosed tetrapeptide, pursuant to 37 C.F.R § 1.821(d). Please note that pursuant to 1.821(a), polypeptides with fewer than four amino acids that are specifically defined in accordance with the WIPO Standard ST.25, Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in Patent Applications (1998) are excluded from the requirements of 37 C.F.R §§ 1.821-1.825.

Amendment of the claims

Claims 32, 37, 67, and 68 are amended. Claims 32-40, 42, 44-57, 61-64, and 66-72 are currently pending, and claims 32-40, 42, 44-57, 61-64, 66, 69 and 71 are allowed.

Claims 32 and 37 are amended by inserting the word “monomers” after the listing of monomer units in part (i), for clarity.

Claims 67 and 68 are amended to specify that the biological element is linked to the synthetic hydrophilic multivalent polymer comprising:

- (i) a polymer backbone based upon monomer units selected from the group consisting of N-2-hydroxypropylmethacrylamide (HPMA), N-(2-Hydroxy ethyl)-L-Glutamine (HEG), ethyleneglycol-oligopeptide and dextran monomers; and
- (ii) multiple reactive groups,

wherein the biological element is linked to the polymer by a plurality of linkages, as specified in allowed claims 37 and 32.

The applicant does not intend by these or any amendments to abandon subject matter of the claims as originally filed or later presented, and reserves the right to pursue such subject matter in continuing applications.

Patentability Remarks**Requirement to submit a Sequence Listing**

In compliance with 37 C.F.R §§ 1.821-1.825, copies of a Sequence Listing in paper form and computer readable form, and a statement pursuant to 37 C.F.R § 1.821(f) are submitted herewith.

35 U.S.C. §112, first paragraph, written description

Claims 67, 68, 70 and 72 are rejected under 35 U.S.C. §112, first paragraph, for alleged failure to comply with the written description requirement. The examiner alleges that the rejected claims contain subject matter that is not described in the specification in such a way as to convey to one of skill in the art that the inventors had possession of the claimed invention at the time of filing. The applicant respectfully disagrees with the allegation that claims 67, 68, 70 and 72 do not comply with the written description requirement of 35 U.S.C. §112, first paragraph. However, in order to expedite prosecution and without relinquishing the right to pursue the subject matter of the claims in a later filed continuation application, claims 67 and 68 are amended to be directed to a polymer and method, respectively, wherein the polymer backbone is based upon monomer units selected from the group consisting of HPMA, HEG, ethyleneglycol-oligopeptide and dextran monomers, as specified in allowed claims 37 and 32. Withdrawal of the rejection of claims 67, 68, 70 and 72 under 35 U.S.C. §112, first paragraph, for lack of written description is respectfully requested.

35 U.S.C. §112, first paragraph, enablement

Claims 67, 68, 70 and 72 are rejected under 35 U.S.C. §112, first paragraph, because the specification is considered to be enabling for embodiments where the backbone of the multivalent polymer is HPMA, HEG, or ethyleneglycol-oligopeptide backbone, but is not considered to be enabling of other embodiments. The applicant respectfully disagrees with the allegation that the application is not enabling for claims 67, 68, 70 and 72 under 35 U.S.C. §112, first paragraph. However, in order to expedite prosecution and without relinquishing the right to pursue the subject matter of the claims in a later filed continuation application, claims 67 and 68 are amended to be directed to a polymer and method, respectively, wherein the polymer

backbone is based upon monomer units selected from the group consisting of HPMA, HEG, ethyleneglycol-oligopeptide and dextran monomers, as specified in allowed claims 37 and 32. Withdrawal of the rejection of claims 67, 68, 70 and 72 under 35 U.S.C. §112, first paragraph, for lack of enablement, is therefore respectfully requested.

III. CONCLUSION

All rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited. If the examiner identifies any points that he feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned attorney at the telephone number listed below.

Please charge any fees or credit any overpayments associated with the submission of this response to Deposit Account Number 03-3975.

Respectfully submitted,

/thomas a cawley jr/

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